

REMARKS

Upon entry of this amendment, claims 2-7 will be pending in this application. By this amendment, claim 2 is amended to incorporate the features of original claim 1. Moreover, claims 1, 8-13, 20, and 31-41 are canceled without prejudice or disclaimer, claims 14-19 and 21-30 having previously been canceled in a prior amendment. The above amendments do not add new matter, and are supported by the claims as originally filed. Reconsideration and allowance of the application are respectfully requested.

Amendment is Proper for Entry

Applicants submit that the instant amendment is proper for entry because the amendment places the application in condition for allowance. More specifically, claim 2 (which was previously indicated allowable by the Examiner) is written in independent form by amending claim 2 to incorporate the features of original claim 1. Thus, claim 2, and claims 3-7 that depend from claim 2, should be allowed. Additionally, all other rejected and withdrawn claims are canceled. Thus, these amendments place the application in condition for allowance and do not raise new issues that would require further search or consideration.

Alternatively, Applicants submit that the instant amendment places the application in better form for appeal by reducing the issues for appeal.

Allowable Subject Matter

Applicants appreciate the indication that claims 2-7 contain allowable subject matter. By this amendment, claim 2 is written in independent form by amending claim 2 to incorporate the features of original claim 1. Therefore, claims 2-7 should be allowed.

Amendments to the Claims

Applicants have amended claim 2 and cancelled claims 1, 8-13, 20, and 31-41 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

35 U.S.C. §102 Rejection

Claims 1, 13, 20, and 31 are rejected under 35 U.S.C. §102(e) for being anticipated by U.S. Patent Application Publication No. 2003/0219937 issued to Peterson et al. (“Peterson”). This rejection is respectfully traversed.

While Applicants do not agree that the applied art anticipates the claimed invention, in order to expedite prosecution claims 1, 13, 20, and 31 are canceled by this amendment. Therefore, the rejection under §102(e) is moot.

Accordingly, Applicants respectfully request that the §102(e) rejection of claims 1, 13, 20, and 31 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0458

Respectfully submitted,
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